

REMARKS

Claims 1-14 are pending in the present application. Claim 9 is amended. Claims 1-4 and 10 are independent.

ALLOWABLE SUBJECT MATTER

Initially, Applicant wishes to thank the Examiner for the indication that claims 12-14 contain allowable subject matter and would be allowed if rewritten in independent form including the features of their base claims and any intervening claims. However, claims 12-14 have not been amended in independent form because it is believed that independent claim 1 is allowable at least for reasons set forth below and, thus, claims 12-14 are presently in condition for allowance by virtue of their dependency on claim 1.

CLAIM OBJECTIONS

Claim 9 is objected to because "the extracted image are" on line 4 should be replaced with --the selected image area-- to remain consistent with the other claims. Applicant has made this suggested amendment to claim 9. Thus, withdrawal of this objection is respectfully requested.

Furthermore, the Examiner has maintained the objection to under 37 C.F.R. 1.75(c) for failing to further limit the subject matter of a previous claim. However, the Examiner indicates that this objection can be overcome by replacing "flesh area of the

figure in the image" with --flesh area of the face area of the figure in the image--. Claim 9 has been amended above, as suggested by the Examiner. Thus, withdrawal of this objection is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1-4 and 10 stand rejection under 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 5,524,069 to Inoue (hereinafter Inoue). This rejection is respectfully traversed.

As amended, independent Claims 1-4 and 10 each recites selecting an area in the image, and adjusting the density or color of the image at the selected area based on density or color information of an area in the image surrounding the selected area. Applicant respectfully submits that Inoue fails to disclose this feature.

In page 3 of the outstanding Office Action, the Examiner asserts that

"Applicant argues in substance that: ... Inoue fails to disclose the adjustment of a density or color of a selected image area to compensate for the effect of the color of a surrounding image area on the visual perception of the selected area because Inoue performs a removal of an image area, as opposed to a selection of an image area."

In response to the Applicant's alleged argument, the Examiner points to Fig. 5 and col. 8, lines 15-26. The Examiner asserts that this section discloses that the operator selects the characteristic

figure 120 by selecting which backgrounds are not part of the characteristic figure. See page 3 of the Office Action.

Initially, it is respectfully submitted that the Examiner has misinterpreted Applicant's arguments in the Reply filed on May 19, 2004 (hereafter Previous Reply). Particularly, the Examiner has mischaracterized the thrust of Applicant's argument as being that Inoue fails to disclose "selecting" the characteristic figure, but rather teaches "removing" it from the background. Applicant disagrees.

Instead, Applicant was making the point that, when Inoue's characteristic figure is separated from the background, any image processing done thereafter to the characteristic figure does not compensate for the effect of the background area on the visual perception of the characteristic figure. This is because, after being subtracted from the original image (i.e., characteristic figure) the background cannot have an effect on the visual perception of the characteristic figure. See page 11, first full paragraph, of the Previous Reply.

Thus, even assuming that the operator effectively "selects" the characteristic figure, there is no teaching in Inoue that any color/density information from the non-selected background is used to adjust the color/density of the characteristic figure. Although the Examiner asserts that Inoue provides such a teaching in col. 6, lines 20-24, Applicant respectfully submits that this portion of

Inoue merely teaches filtering the original image, and subtracting the filtered image from the original image in order to obtain the characteristic figure (see col. 6, lines 38-40). Thus, there is no teaching in the cited portion of Inoue of adjusting the color or density of a selected image area based on the color or density information of the area surrounding the image area, as required by independent claims 1-4 and 10.

Applicant respectfully submits that independent claims 1-4 and 10 are allowable at least for the reasons set forth above. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §103

Claims 5-8 stand rejected under 35 U.S.C §103(a) as being unpatentable over Inoue in view of *Digital Image Processing*, 1993, by Gonzalez et al. (hereinafter Gonzalez). Furthermore, Claims 9 and 11 stand rejected under §103(a) as being unattainable over Inoue in view of U.S. Patent No. 6,141,442 to Chen (hereinafter Chen). Applicant respectfully submits that neither Gonzalez nor Chen remedies the deficiencies of Inoue set forth above in connection with independent Claim 1. Accordingly, Applicant respectfully submits that Claims 5-9 and 11 are allowable at least by virtue of their dependency on independent Claim 1. Therefore,

the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

The Examiner is respectfully requested to enter the above claim amendments after final because they raise no new issues requiring further search and/or consideration by the Examiner. Instead, these amendments merely implement the Examiner's suggestions for overcoming the objection to claim 9 and, thus, simplify the issues for appeal.

Furthermore, the Examiner is respectfully requested to reconsider the various rejections in view of the above remarks, and issue a Notice of Allowance in connection with the present application.

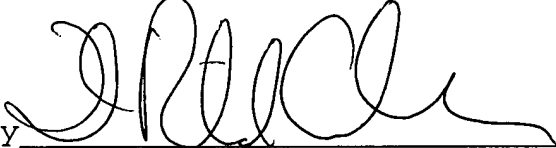
Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is strongly encouraged to contact Jason Rhodes (Reg. No. #47,305) at the telephone number of the undersigned in order to conduct an interview in connection with the present application.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a three (3) month extension of time for filing a response in connection with the present application. The required fee of \$1020.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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(Rev. 02/12/2004)